



**BOARD OF APPEALS**

DIANE R. GORDON, CO-CHAIR  
HARRY MILLER, CO-CHAIR  
BAILEY S. SILBERT

**TOWN OF BROOKLINE**  
*Massachusetts*

333 Washington Street  
Brookline, MA 02445  
617-730-2010  
Fax: 617-730-2298

PATRICK J. WARD, Secretary

**TOWN OF BROOKLINE  
BOARD OF APPEALS  
NO. BOA060049**

The applicant, Joseph Hamelburg ("Petitioners"), applied to the Building Commissioner for modification of Board of Appeals Case #050029 dated July 29, 2005, to extend the time period for property located at 9 Whitney Street by one year. The application was denied and an appeal was taken to this Board.

The Board then fixed the date of August 31, 2006, at 7:00 p.m., in the Selectmen's Hearing Room on the sixth floor of Town Hall, as the time and place for its hearing of the extension request. Notice of the hearing was mailed to Petitioners, to owners of properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board, and to all others required by law. Notice of the hearing was published on August 10, 2006 and August 17, 2006, in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows:

**LEGAL NOTICE  
TOWN OF BROOKLINE  
MASSACHUSETTS  
BOARD OF APPEAL  
NOTICE OF HEARING**

**PETITIONER:** Hamelberg, Joseph & C R Life Estate  
**LOCATION OF PREMISES:** 9 Whitney Street BRKL  
**DATE AND PLACE OF HEARING:** Thursday, August 31, 2006  
**TIME OF HEARING:** 7:00 p.m.  
**PLACE OF HEARING:** Selectman's Hearing Room 6<sup>th</sup> Floor

A public hearing will be held to seek an extension of time, in accordance with Section 9.07 of the Zoning Bylaw, to a special permit and/or variance for the construction of a three story two family dwelling previously granted by Board of Appeals case #050029.

at **9 WHITNEY STREET, BRKL**, Massachusetts

Said premises are located in a T-5 district.

*The Town of Brookline does not discriminate on the basis of disability in admission to, or access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617) 730-2330; TDD (617) 730-2327*

Diane R. Gordon  
Harry Miller  
Bailey Silbert

At the time and place specified in the notice, this Board held a public hearing. Present were Diane Gordon, Chair, Murray Shocket and Sarah Sheldon.

Petitioner Shelia Hamelburg presented the request for time extension to the Board and explained that they had been unable to get a contractor to perform the work. She noted that they now have Heritage Modular Designs committed to construct the building and that they have permits in order from their utility services to start the work. The petitioner asked for a one year extension to the permit to complete construction.

The zoning relief required is as follows:  
Section 9.7 Time Limits For Special Permits.

The Chair then called upon Tim Greenhill of the Planning Department to present the Planning Board report. Mr. Greenhill stated that the Planning Board had no objection to the proposed extension subject to the following condition:

1. Prior to obtaining a building permit, the applicants shall submit to the Director of Planning and Community Development for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, including landscaping and paving materials stamped and signed by a registered architect or land surveyor; 2) building elevations stamped.

The Chair then called upon Frank Hitchcock of the Building Department. Mr. Hitchcock reviewed the zoning and stated that the building department has no objection to request for a time extension request with the condition specified by the Planning Board.

The Board, having deliberated on this matter and considered the forgoing testimony, concludes that it is desirable to grant the extension requested. The board stated that the conditions in the original Decision remain in full force and effect and that no further extensions could be requested on this application. The Board hereby grants the requested one year extension pursuant to Section 9.7 for Case #BOA060049 subject to the following conditions.

1. **Prior to obtaining a building permit, the applicants shall submit to the Director of Planning and Community Development for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, including landscaping and paving**

materials stamped and signed by a registered architect or land surveyor; 2) building elevations stamped.


Unanimous Decision of the Board of Appeals

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2006 SEP 12 PM 2:54



Date of Filing: \_\_\_\_\_, 2006

  
Diane Gordon, Chairman

A True Copy.

ATTEST:

Twenty days have elapsed and no appeal has been filed.

A True Copy:

ATTEST:



Patrick J. Ward, Clerk  
Board of Appeals

Patrick J. Ward  
Town Clerk